

**AGENDA  
BOARD OF SELECTMEN  
April 28, 2009  
7:00 p.m.  
Town Building**

**Public Input**

**Chairman's Comments**

**Town Administrator's Report**

**Meeting Minutes**

**7:10 pm: Public Hearing: Pole Locations**

**Action/Discussion**

- Acceptance of funds for historic Stow musket as gift to Town
- Appointment to Springfest Organizing Committee
- Designation of COA as signatory for MART business
- One day liquor license permit for Decibels Foundation, June 22
- Permit for Positive Spin Ride for ALS, June 22

**Selectmen's Master Planning**

**Liaison Reports, if any**

**Correspondence**

**Adjournment**

Posted 4/24/09

**Correspondence**

**Town:**

Resident's request for public records re Assabet Water, rec'd 3/30

Resident's question re Assabet Water, rec'd 4/14

Minuteman Regional E&D approval letter, rec'd 4/14

Cc of Lancaster Selectmen and Finance letter to NRSD re FY 2010 assessment, rec'd 4/14

Cc of Board of Health letter to DPU re Harvard Acres water, rec'd 4/14

Letter from NRSD on Stow's FY 2010 assessment, rec'd 4.15

Tree Wardens' report on public hearing re Old Bolton Road/Snow field trees, rec'd 4/15

Citizen's letter re 56 Elm Ridge Road, rec'd 4/16

Cc of letter from Cable License Advisory Comm to Mass DET on Verizon's subscriber count, rec'd 4/16

ZBA decision on 70 Pine Point Road variance request, rec'd 4/21

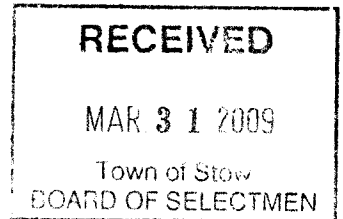
PETITION FOR SOLE OWNED POLE LOCATIONS

RECEIVED  
MAR 30 2009

BY:.....

Stow, MA

March 30, 2009



To the Board of Selectmen of Stow, Massachusetts.

Hudson Light and Power Department requests permission to relocate poles, wires cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used by your petitioner, along and across the following public way or ways:

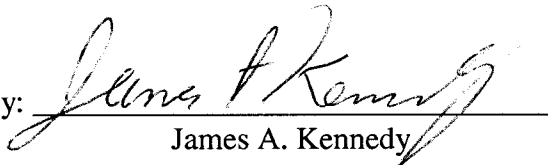
Sudbury Road – Locate 20 new poles. The poles shall be located alongside Sudbury Rd, starting at a point 82ft north of the center of Kingland Rd on the west side of Sudbury Rd, with the remaining placed incrementally alternating when needed between the east and west sides of the road headed south as indicated on the attached Petition Plan.

Wherefore it prays that, after due notice and hearing as provided by law, the petitioner be granted sole locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - HLPD No. 1-09. Dated March 27, 2009.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as said petitioner may desire for distributing purposes.

Your petitioner agrees to reserve space at a suitable point on each of said poles for the fire, police, and telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

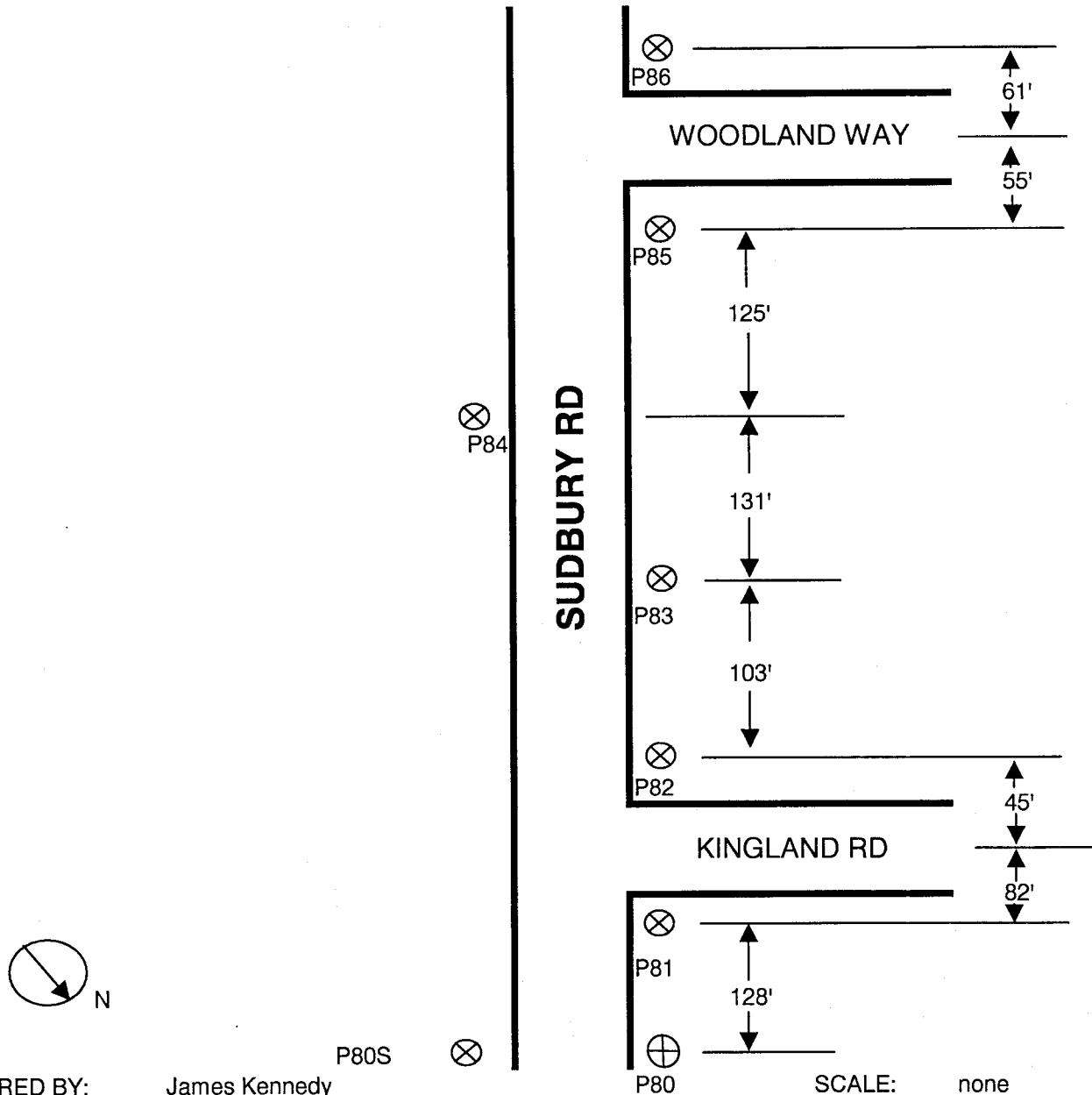
HUDSON LIGHT AND POWER DEPARTMENT:

By:   
James A. Kennedy

**HUDSON LIGHT & POWER DEPARTMENT  
PETITION PLAN**

MUNICIPALITY: STOW

No. 1-09  
Date: 3/27/2009



PREPARED BY: James Kennedy

SCALE: none

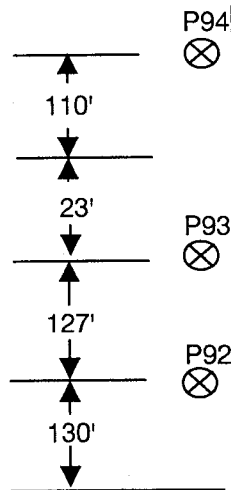
- ⊗ PROPOSED HLPD POLE LOCATION
- ⊙ HLPD POLE LOCATION TO BE ABANDONED
- ⊕ HLPD POLE TO REMAIN
- ⊖ PROPOSED JOINT POLE LOCATION
- ⊗ HLPD POLE LOCATION TO BE HELD JOINTLY

- ⊕ VERIZON POLE LOCATION TO BE HELD JOINTLY
- ⊕ EXISTING JOINT POLE TO REMAIN
- ⊗ VERIZON POLE LOCATION TO BE ABANDONED
- ⊖ JOINT POLE LOCATION TO BE ABANDONED

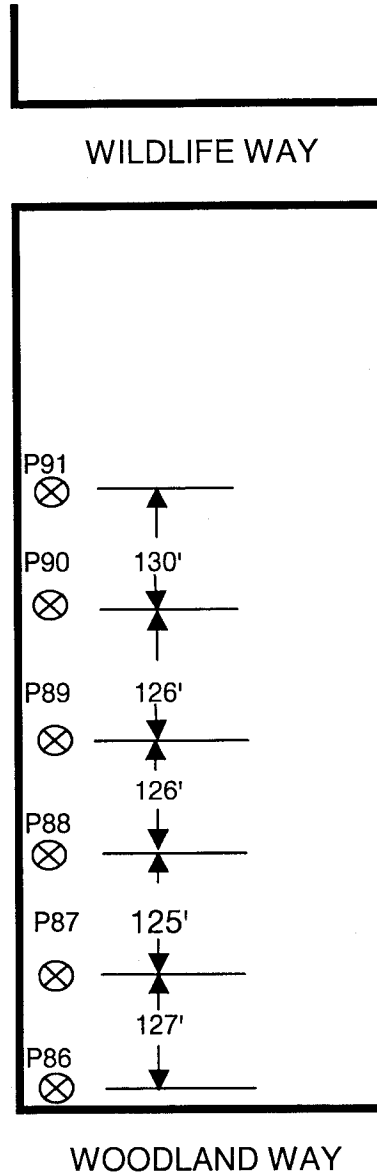
**HUDSON LIGHT & POWER DEPARTMENT  
PETITION PLAN**

MUNICIPALITY: STOW

No. 1-09  
Date: 3/27/2009



**SUDBURY RD**



PREPARED BY: James Kennedy

SCALE: none

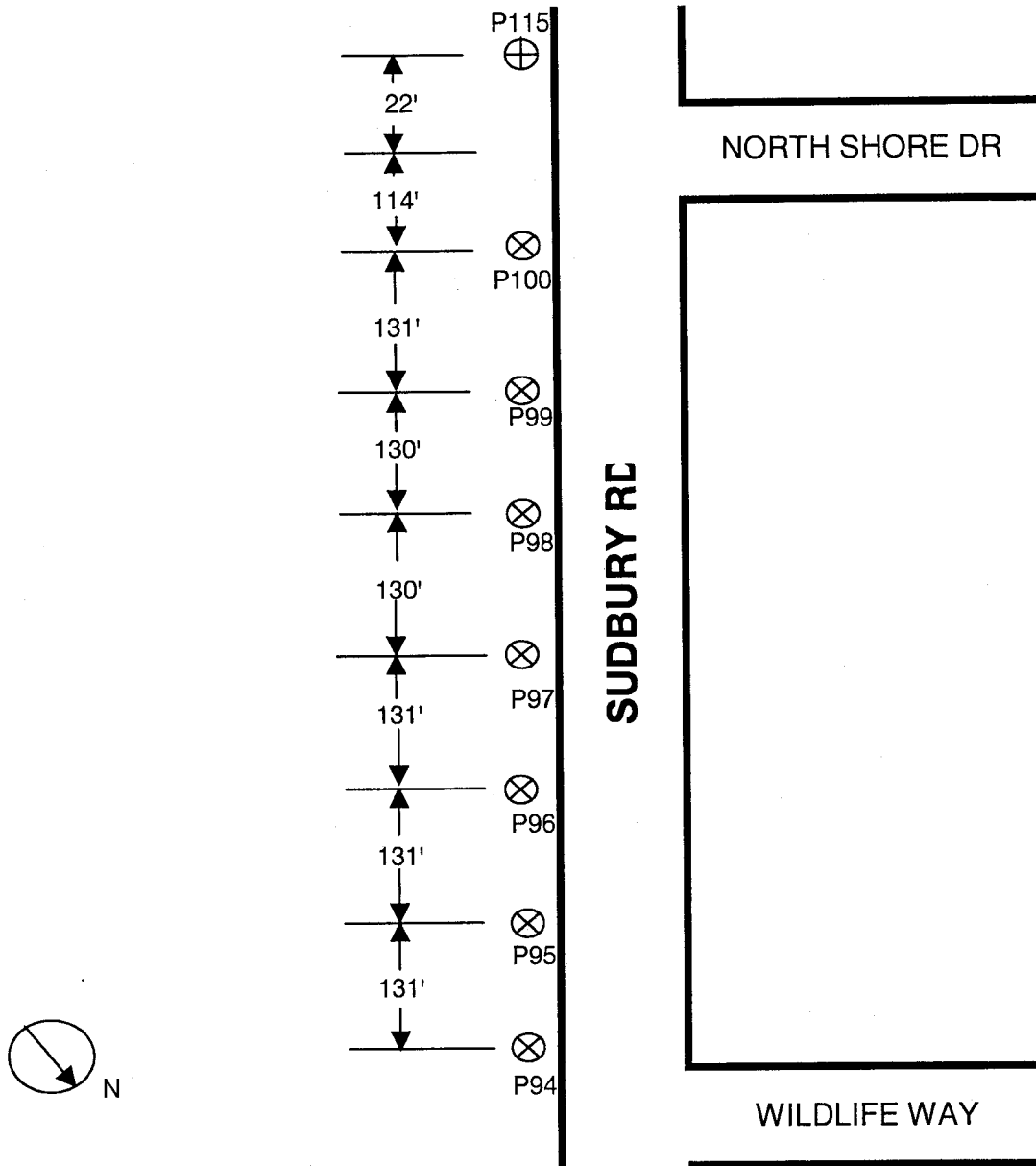
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- ⊖ JOINT POLE LOCATION TO BE ABANDONED

**HUDSON LIGHT & POWER DEPARTMENT  
PETITION PLAN**

MUNICIPALITY: STOW

No. 1-09  
Date: 3/27/2009



PREPARED BY: James Kennedy

SCALE: none

- |                                         |                                            |
|-----------------------------------------|--------------------------------------------|
| ⊗ PROPOSED HLPD POLE LOCATION           | ⊙ VERIZON POLE LOCATION TO BE HELD JOINTLY |
| ⓪ HLPD POLE LOCATION TO BE ABANDONED    | ⊕ EXISTING JOINT POLE TO REMAIN            |
| ⊙ HLPD POLE TO REMAIN                   | ⊗ VERIZON POLE LOCATION TO BE ABANDONED    |
| ⓪ PROPOSED JOINT POLE LOCATION          | ⓪ JOINT POLE LOCATION TO BE ABANDONED      |
| ⊗ HLPD POLE LOCATION TO BE HELD JOINTLY |                                            |

April 28, 2009

Board of Selectmen  
Town of Stow  
380 Great Road  
Stow, MA 01775

Dear Board of Selectmen,

I would be pleased to present the Board of Selectmen of the Town of Stow with a check for \$13,500.00 for the purchase of an Improved 1766 French Charleville military musket, also known as the "Stow musket," as identified by Littlefield Antiques, LLC of Jaffrey, New Hampshire, in a letter dated July 15, 2008.

It is my wish that the musket be placed under the care and custody of the Stow Historical Commission, with the following understanding:

- It be securely displayed in a publicly accessible area designated by the Board of Selectmen, with a plaque that would read:

Donated to the Town of Stow  
By [[donor's name]]  
In Memory of [[donor's spouse]]  
April 28, 2009

- It may be used by the Stow Minutemen, in a responsible manner, on Patriot's Day, at SpringFest, and on Memorial Day.
- It may occasionally be used in other events for the public benefit, with the approval of the Historical Commission by a majority vote of the Commission.
- These are my only expectations regarding this donation.

Please accept this gift with my best wishes.

Yours truly,

*Littlefield Antiques, LLC*  
*Richard Littlefield, Prop.*

PO Box 9  
Jaffrey, New Hampshire  
03452  
July 15, 2008

To Whom It May Concern:

The subject is an Improved 1766 French Charleville military musket of the pattern previously referred to as the Model 1768. However, the changes undertaken in the development of this arm were progressive between 1768 and 1773.

This particular piece appears in excellent original condition with no sign of any attempts to modify, convert or restore. The only markings on the gun are the "Charleville" on the lock plate, above which is a star over the capital letter "D". The letter "D" on the left side of the butt stock near the butt plate is also extant. The numeral "1" is also struck into the wood on the rear of the left plateau. The inside of the lock plate is signed "T. G." which are the lock maker's initials. The lock is a perfect fit into the wood cavity even to the extent of the rear pan screw having impressed itself into the wood inside the cavity.

It is apparent that the barrel has not been disassembled from the gun in 100 years or more. The accumulation of old compacted dust in all the join area and around the two rear barrel bands only occurs when something has not been disturbed for at least that length of time.

The front barrel band has been removed a few times without damage to the gun. I would not recommend any attempt to remove the barrel. Doing so would disturb the seal which age has put on the gun. The same is true for the trigger guard, butt plate and the side plate.

This is one of the finest examples of this weapon as can be found.

There is a small amount of moisture or heat damage to the toe of the stock where it joins the butt plate but this is insignificant.

The musket comes with an original bayonet, which fits this arm perfectly from muzzle to nose. These bayonets are typically not interchangeable without either fitting too tightly or too loosely. When one is found that perfectly fits, it is considered original with the piece.

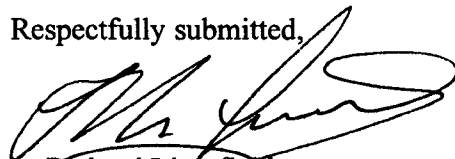
About 100,000 pieces of this model and its predecessor the Model 1766 were shipped to the American Colonies by France to help fight the British in the War of Independence. A few of these had acceptance marks from New Hampshire, and some had US surcharges. The majority likely had not such markings.

This exceptional quality musket and bayonet would stand in their own right without any historical association at a current value of \$8,500.00 to \$9,000.00. However, in this case, this musket comes with a family history tracing it back through the Stow family of Stow, Massachusetts and in particular to Steven Stow who was a resident of Stow from 1756 onward. Steven Stow served in Captain William Whitcomb's company, Col. James Prescott's regiment, April 19, 1775 at Concord (see ref. Stow, Massachusetts 1683-1933). Steven's son Ichabod Stow was present with a company of Stow men at Burgoyne's surrender in Saratoga 1777.

The family history is very indicative that this musket came down with the Stows to the last Stow, Basel Stow and his stepson Alexander Gray the author of the family history and the last family member to own the gun.

Regarding provenance from this period, firearms in the time period were not serial numbered nor were they photographed. In very rare circumstances an owner or user could have carved a set of initials into a gun he carried or owned, but for the most part all we have to traced the history of a particular weapon is the oral or written history of the family as it passes through the generations. While none of this is 100% definitive it can lend great authority in the research of the history of a particular weapon. As a general rule, any information that leads with some probability to a specific weapon's use by a specific person in events of the War of Independence will enhance the value a great deal. In this case, I believe that the current value of this piece is approximately \$15,000.00.

Respectfully submitted,



L. Richard Littlefield



*Littlefield Antiques, LLC*  
*Richard Littlefield, Prop.*

**Curriculum Vitae for L. Richard Littlefield, 257 Nutting Rd., Jaffrey, NH 03452  
September 2008**

Experience:

Historian for Harrington & Richardson Arms Co. 1975-1976  
Full-time dealer in antique firearms - 32 years  
Appraiser of antique firearms - 27 years  
Collector of firearms - 52 years

Professional Organizations:

American Society of Arms Collectors (director 3 years), meeting coordinator  
2001-present  
Collector Arms Dealers' Association\* (president 1994-1997, director for 20 years)  
National Rifle Association (endowment member)  
Ohio Gun Collectors' Association (life member)  
Pennsylvania Antique Gun Collectors' Association (life member)  
Forks of the Delaware Historical Weapons Association (life member)  
New York State Arms Collectors (life member)  
New Hampshire Arms Collectors Association (past president)  
Massachusetts Arms Collectors' Society  
Ye Connecticut Gun Guild  
New England Antique and Collectible Arms Society (life member)

Collector Organizations:

Smith & Wesson Collectors Association  
Remington Society (Charter Member)  
Marlin Firearms Collectors  
Hopkins & Allen Collectors' Association  
National Mossberg Collectors' Association  
Colt Collector's Association

Publications:

Major contributor to Flayderman's Guide to Antique American Firearms in the  
area of Frank Wesson, Wesson & Harrington and Harrington & Richardson  
Contributor to The Blue Book of Gun Values in the area of Harrington &  
Richardson

\*CADA is the only national collectible arms dealers' association that incorporates  
an ethics clause and requires its members to adhere to such. As director and  
president of CADA Mr. Littlefield was directly involved in a number of cases  
that were brought before the Board of Directors for arbitration and resolution.



Town of Stow  
**BOARD OF SELECTMEN**

Stow Town Building  
380 Great Road  
Stow, Massachusetts 01775  
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

**NOTICE OF VACANCY**

**SPRINGFEST ORGANIZING COMMITTEE**

**Two members**

**Duties:** Plan and oversee SpringFest, the town's annual festival held in May. Identify and schedule events for the weekend. Recruit and organize participants and volunteers. Promote and publicize festival. Supervise site set-up and clean up.

**Qualifications:** Registered voter of Stow. Energy and enthusiasm to create an enjoyable community-wide celebration for all ages. Ability to commit time to planning and event management. Team player with a good sense of humor.

**Term:** Appointment by the Board of Selectmen to a two-year term.

**Application:** The Board of Selectmen will be accepting applications until 5:00 pm on Friday, April 24, 2009.

Posted April 15, 2009

*See Ellen's earlier  
application*

## Stow Selectmen's Office

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**From:** Alyson Toole [coa@stow-ma.gov]  
**Sent:** Friday, April 10, 2009 5:16 PM  
**To:** Susan McLaughlin; Bill Wrigley; ruggierot@comcast.net  
**Subject:** MART BILLING

I received a letter today from MART (original was sent to Tom) regarding its billing procedure protocol. Just wanted to let you all know that I will handle any new changes that need to be made, and that I already do most of what they are requesting us to do. The only difference is Bill has authorized me to submit the invoices for the Town and now they want the Board of Selectmen to. I will provide a letter after July 1, 2009 for the Selectmen to sign. Also in the letter it mentions the Board of Selectmen decide the level of MART services. It is my understanding that the level of MART services that was decided would be the amount we are assessed on the cherry sheet. Just wanted to make sure we are all in agreement on that. Also, Just FYI - I just have a few more months of billing left and we will have recouped all of the money that we were assessed on the cherry sheet (except 6% administrative fees that MART gets). Alyson

**Administrator**  
**Mohammed H. Khan**

**MONTACHUSETT REGIONAL TRANSIT AUTHORITY**  
1427R Water Street, Fitchburg, Massachusetts 01420  
(978)345-7711 - 1-800-922-5636 - FAX: (978) 345-9867

**RECEIVED**

APR 13 2009

Town of Stow  
**BOARD OF SELECTMEN**

**Member Communities**  
Fitchburg  
Leominster  
Gardner  
Ashburnham  
Shirley  
Ayer  
Lancaster  
Sterling  
Hubbardston  
Royalston  
Littleton  
Winchendon  
Ashby  
Templeton  
Westminster  
Hardwick  
Lunenburg  
Harvard  
Bolton  
Boxborough  
Stow

April 9, 2009

Chairman Thomas Ruggiero  
Board of Selectmen  
Town of Stow  
380 Great Road  
Stow, MA 01775

Dear Chairman Ruggiero:

Due to various State/Federal audit and other legal requirements, the Montachusett Regional Transit Authority (MART) is updating its billing procedure protocol with its member municipalities. This could result in a change of the current arrangements with your Town when sending MART an invoice. Under Chapter 161B of M.G.L., the Board of Selectmen decides the level of MART services in your community. Effective July 1, 2009, MART requests that each Town Board of Selectmen designate the title or titles of the individual(s) authorized to submit invoices for the Town and send these names to MART. The invoices need to be original documents on Town letterhead. This will insure that MART is dealing with the proper Town representative for financial billing purposes; and payment to the Town will be sent to the Town Treasurer's Office from MART. The Town would need to submit any future signatory /title changes in an effort to protect the interests of both MART and the Town.

On another note, due to the current economic state of the Commonwealth, any increases in services will need to be approved though the Board of Selectmen after discussion with MART. Any additional costs incurred will need to be paid in full by the community. MART is working to insure that current level of service can be retained. The municipalities that are being assessed through the cherry sheet for MBTA services may have a special circumstance to fund some additional costs through their existing MBTA assessment. If you have any questions or need further explanation, please contact Susan Gallien, MART Chief Financial Officer at 978-345-7711 ext. 2241 or [sgallien@mrta.us](mailto:sgallien@mrta.us).

Thank you for your cooperation.

Sincerely,



Mohammed H. Khan  
Administrator

Cc: Susan Gallien, MART  
Alyson Toole, MART Advisory Board Member

TOWN OF STOW  
STOW, MASSACHUSETTS 01775

APPLICATION FOR SPECIAL LIQUOR LICENSE

Date: April 14, 2009

Name of Applicant(s)

Home Address & Telephone

Decibels Foundation  
(Julia Dunning)

241 Red Acre Road  
Stow, MA 01775

Name of Organization

Address

Decibels Foundation

1269 Main Street  
Concord, MA 01742

Date(s) for which license is requested: June 22, 2009

Hours of sales: 10:00<sup>AM</sup> - 8:00 PM

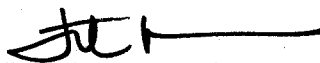
Type of beverage(s) to be sold: beer, wine, mixed drinks

Event for which license is requested: Golf Tournament

Profit or non-profit? Non Profit

Location of event: Wedgewood CC

The undersigned will be responsible for the license, if granted.

Signature(s): 

julia@dunnings.org

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —  
TORT — MOTOR VEHICLE TORT — CONTRACT —  
EQUITABLE RELIEF — OTHER —

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
DEPARTMENT  
OF THE  
TRIAL COURT  
CIVIL ACTION

MIDDLESEX, ss



No. 09-1414 D

Lake Boon Commission Plaintiff(s)

v.

Stow Conservation Commission Defendant(s)

A TRUE COPY ATTEST

*Rwt*  
DEPUTY SHERIFF  
Middlesex County

SUMMONS

04-15-09  
DATE OF SERVICE

To the above-named Defendant: David Coppes

You are hereby summoned and required to serve upon the Lake Boon Commission

plaintiff's attorney, whose address is 16 Gately Ave.  
Hudson, MA 01749

an answer to the complaint which is herewith  
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you  
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also  
required to file your answer to the complaint in the office of the Clerk of this court at Woburn  
Superior Court either before service upon plaintiff's attorney or within a  
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may  
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's  
claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at  
the 13<sup>th</sup> day of April  
in the year of our Lord 2009

*Philip A. Sullivan*  
Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION #

09-1414

D

LAKE BOON COMMISSION, WHOSE  
COMMISSIONERS ARE CONRAY WHARFF,  
CINDY CURLEY, AND LEE HERON.

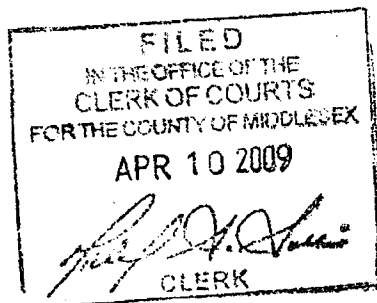
Plaintiffs,

v.

DAVID COPPES, DENNIS WALSH, KATHY  
SFERRA, INGEBORG HEGEMANN CLARK,  
AND DOUG MOFFAT AS THEY CONSTITUTE  
THE CONSERVATION COMMISSION OF THE  
TOWN OF STOW,

Defendants.

COMPLAINT



APPEAL UNDER THE WETLANDS PROTECTION ACT

This is an appeal under the Massachusetts Wetland General Laws, Chapter 131 Section 40, as amended by the denial of a Notice of Intent by the Conservation Commission of the Town of Stow.


1. The plaintiff is a state agency that was created in 1941 by the Massachusetts State Legislature through the Acts of 1941, Chapters 712 and 713 and is aggrieved by a decision of the Conservation Commission of the Town of Stow denying a Notice of Intent.
2. In filing the Notice of Intent with the Stow Conservation Commission, Conray Wharff, represented the Lake Boon Commission. Conray Wharff resides at 15 Gately Ave. Hudson, Massachusetts and is duly elected, appointed, or sworn.
3. Cindy Curley and Lee Heron reside in Stow, Massachusetts at 166 Barton Road and 615 Great Road, respectively, and are duly elected, appointed, or sworn.

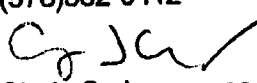
4. David Coppes, Dennis Walsh, Kathy Sferra, Ingeborg Hegemann Clark, and Doug Moffat reside in Stow, Massachusetts, and are duly elected, appointed, or sworn.
  5. October 6, 2008, plaintiffs filed with the Conservation Commission of the Town of Stow an application for approval of a Notice of Intent for weed mitigation by lake level drawdown.
  6. Subsequent to such filing the Conservation Commission gave notice and held hearings regarding approval of the Notice of Intent.
  7. Subsequent to said hearings upon deliberation and consideration the Conservation Commission voted to deny the Notice of Intent and entered a decision on or about February 17, 2009. The decision was signed by David Coppes, Dennis Walsh, Kathy Sferra, Ingeborg Hegemann Clark, and Doug Moffat. The decision was filed with the Department of Environmental Protection on or about February 20, 2009.
  8. The Conservation Commission has adopted a Wetland Protection Bylaw and a General Bylaws Article 9 pursuant to the Wetlands Protection Act.
  9. In denying the Notice of Intent and reaching a decision as mentioned in paragraph 6, the Conservation Commission failed to protect the interests of the Wetlands Protection Act and its own rules and regulations as they were applicable to the Notice of Intent.
  10. The Notice of Intent complies with the requirements of the Wetland Protection Act and Stow's Wetland Protection Bylaw and General Bylaws Article 9.
  11. The Conservation Commission in its decision failed to protect the interests of 310 CMR 10.03 (1)(a)2, burden of proof.
  12. The Conservation Commission in its decision failed to protect the interests of 310 CMR 10.53(4), limited projects.
  13. The Conservation Commission in its decision failed to protect the interests of Wetland Protection Bylaw Section 5.2 (C)8, special projects.
  14. The Conservation Commission in its decision failed to protect the interests of Wetland Protection Bylaw 6.2 (D)2(a), interests of Bylaw.
  15. The Conservation Commission in its decision failed to protect the interests of Wetland Protection Bylaw 6.2 (D)2(b), sufficient information.
  16. The Conservation Commission in its decision failed to protect the interests of Wetland Protection Bylaw 6.2 (D)2(c), inadequate safeguards.
  17. The Conservation Commission in its decision failed to protect the interests of Wetland Protection Bylaw 6.2 (D)2(d), filing incomplete.
  18. The Conservation Commission in its decision failed to protect the interests of General Bylaws Article 9 Section 1. Purpose.
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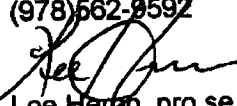


19. The decision of the Conservation Commission to deny the Notice of Intent exceeds the authority of the Conservation Commission.
20. The plaintiffs have an ongoing administrative appeal pending with the Massachusetts Department of Environmental Protection, DEP File No. 299-0490.
21. This appeal is for judicial review in the Nature of Certiorari pursuant to General Law Chapter 249, Section 4.
22. The Lake Boon Commission is the proper party aggrieved by the actions of the Stow Conservation Commission.
23. Wherefore, the plaintiffs seek the following relief:
  1. Reverse the decision of the Commission;
  2. Order the Commission to issue an Order of Conditions allowing the project;
  3. Order such additional relief as justice may require.

The Lake Boon Commission

  
Conray Whaff, pro se  
16 Gately Ave.  
Hudson, MA 01749  
(978)562-9412

  
Cindy Curley, pro se  
166 Barton Road  
Stow, MA 01775  
(978)562-8592

  
Lee Heron, pro se  
615 Great Road  
Stow, MA 01775  
(978)897-1139